

UNITED STATES DISTRICT COURT
FOR THE EASTERN DISTRICT OF CALIFORNIA

MICHAEL L. OVERTON,

Plaintiff,

v.

C.E.O., et al.,

Defendants.

No. 2:23-cv-0334 DB P

ORDER AND FINDINGS AND
RECOMMENDATIONS

Plaintiff, a state prisoner proceeding pro se, has filed a civil rights action under 42 U.S.C. § 1983. Plaintiff did not, however, file a motion to proceed in forma pauperis or pay the filing fee. In an order filed March 8, 2023, plaintiff was ordered to either file a motion to proceed in forma pauperis or pay the filing fee within thirty days. Plaintiff was warned that if he failed to comply with the March 8 order, this court would recommend this case be dismissed.

Thirty days have passed and plaintiff has not filed a motion to proceed in forma pauperis or paid the filing fee.

Accordingly, the Clerk of the Court is HEREBY ORDERED to randomly assign a district judge to this case; and

IT IS RECOMMENDED that this case be dismissed without prejudice for plaintiff's failure to prosecute and failure to comply with court orders. See Fed. R. Civ. P. 41; E.D. Cal. R. 110.

1 These findings and recommendations will be submitted to the United States District Judge
2 assigned to the case, pursuant to the provisions of 28 U.S.C. § 636(b)(1). Within twenty-one days
3 after being served with these findings and recommendations, plaintiff may file written objections
4 with the court. The document should be captioned “Objections to Magistrate Judge's Findings
5 and Recommendations.” Plaintiff is advised that failure to file objections within the specified
6 time may result in waiver of the right to appeal the district court’s order. Martinez v. Ylst, 951
7 F.2d 1153 (9th Cir. 1991).

8 Dated: May 4, 2023

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12 DEBORAH BARNES
13 UNITED STATES MAGISTRATE JUDGE
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